

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LINDA SUE SEXTON and  
MICHAEL SEXTON,

Plaintiffs,

Case No. 2:19-cv-12574  
Hon. Mark A. Goldsmith

v

LARRY LYNN DUNN, THOMAS  
CERNUTO, REDFORD CHARTER  
TOWNSHIP, a municipal corporation,  
jointly and severally,

Defendants.

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**PLAINTIFF'S MOTION TO COMPEL DISCOVERY AS TO**  
**DEFENDANT DUNN**

NOW COMES the Plaintiffs, Linda Sue Sexton and Michael Sexton, by and through their attorneys, and for their Motion to Compel Discovery, states as follows:

1. Plaintiff has acted in good faith in an attempt to confer with Defendant to provide sufficient discovery responses without Court action pursuant to Local Rule 7.1. First, Plaintiff emailed Defendant Dunn on February 25, 2020, in an attempt to avoid filing a motion, and Defendant Dunn did not respond. Then, all of the parties set a meet-and-confer telephone conference for June 16, 2020. Counsel for all parties attended the conference and spoke for around 20 minutes and resolved their issues, except for Defendant Dunn, who did not show up to the meet-and-confer conference, forcing this motion.

2. This case arises out of the sexual assault of Plaintiff Linda Sexton by Redford District Court work program Supervisor Defendant Larry Lynn Dunn, while she was required to report to a work program through the Redford District Court.

3. In accordance with Fed. R. Civ. P. 26, 33, and 34, Plaintiffs served their First Set of Interrogatories and Requests to Produce to Defendant Dunn on January 30, 2020.

4. Defendant Dunn responded to Plaintiff's first set of discovery on March 11, 2020, completely failing to provide any response to Requests to Produce #3 through #27. (**Exhibit 1- Defendant Dunn's Answers to Discovery**).

5. As of the date of this motion, Defendants have not responded and have failed and/or refused to provide or supplement their responses to Plaintiff's discovery requests.

6. Defendant attempts to frustrate discovery of information are unjustified and, pursuant to Fed. R. Civ. P. 37, provide sufficient grounds for this Court to compel Defendants to produce full and adequate responses to Plaintiff's discovery requests.

WHEREFORE, Plaintiff requests that this Honorable Court GRANT Plaintiff's Motion to Compel Defendant Dunn's discovery within seven (7) days.

Respectfully submitted,

/s/ Jonathan R. Marko  
Jonathan R. Marko (P72450)  
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Dated: June 16, 2020

**STATEMENT OF ISSUE PRESENTED**

I. Whether Defendant Dunn should be compelled to provide full and complete answers to Plaintiff's First Set of Interrogatories and Requests to Produce within seven (7) days?

**Plaintiffs Answer: Yes**

**The Court Should Answer: Yes**

**MOST APPLICABLE LEGAL AUTHORITY**

**COURT RULES**

Fed. R. Civ. 37(a)

## INTRODUCTION

This case arises out of the sexual assault of Plaintiff Linda Sexton by Redford District Court work program Supervisor Defendant Larry Lynn Dunn. While Mrs. Sexton was on probation for a minor criminal infraction, she was required to report to a work program through the Redford District Court. While at the work program, she was isolated by Defendant Supervisor Dunn, and repeatedly sexually assaulted over a two-day period.

Plaintiffs served discovery to Defendants Dunn on January 30, 2020, to which Defendant Dunn responded to on March 11, 2020. In these responses, however, Defendant Dunn completely failed to provide any response to Requests to Produce #3 through #27. (**Exhibit 1- Defendant Dunn's Answers to Discovery**). As of the date of this Motion, Defendant refuses to produce complete responses to Plaintiff's discovery requests.

Discovery is set to close in July and the parties have already scheduled depositions, but need fully responsive answers from Dunn in advance of any deposition.

## LAW AND ARGUMENT

Plaintiffs hereby rely upon Fed. R. Civ. 37(a), including applicable subsections, and the reasons set forth in Plaintiffs' Motion.

Respectfully submitted,

/s/ Jonathan R. Marko  
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Dated: June 17, 2020

### **LOCAL RULE CERTIFICATION**

I, Jonathan R. Marko, certify that this document complies with Local Rule 5.1(a), including: double-spaced (except for quoted materials and footnotes); at least one-inch margins on the top, sides, and bottom; consecutive page numbering; and type size of all text and footnotes that is no smaller than 10-1/2 characters per inch (for non-proportional fonts) or 14 point (for proportional fonts). I also certify that it is the appropriate length.

/s/ Jonathan R. Marko  
Jonathan R. Marko

### **CERTIFICATE OF SERVICE**

I hereby certify that on June 17, 2020, I presented the foregoing paper to this Court's ECF System which will send notification of such filing to the above listed attorneys of record.

/s/ Marissa Williams  
Marissa Williams